IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.20068 of 2003

Between:

1 V.S.Reddy, S/o.Papi Reddy,
2 D.N.Reddy, S/o.Pulla Reddy,
3 N.Mallesham, S/o.Narasimha,
4 V.Anjaiah, S/o.Buchaiah,
5 Md.Yaseen, S/o.Yakub,
6 D.Mallaiah, S/o.D.Venkataiah,

(All the petitioners are C/o 6th petitioner,

R/o H.No.6-1-818, Srinivasa Nagar Colony,
Ramagiri, Nalgonda District)

..... PETITIONERS

AND

1 The Regional Manager, A.P.S.R.T.C.,
Nalgonda Region, Nalgonda,
Nalgonda District.
2 The Depot Manager, APSRTC,
Nalgonda Bus Depot, Nalgonda, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No.P1/544(1)/2000 - NLG, dt.11-8-2003 is illegal, arbitrary and unjust and consequently set aside the proceedings No.P1/544(1)/2000 - NLG, dt.11-8-2003 issued by the 2nd respondent.

Counsel for the Petitioner: Mr.G.RAVI MOHAN

Counsel for the Respondents: Mr.V.T.M. PRASAD, SC FOR APSRTC

The Court made the following :

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ORAL ORDER:

At the interlocutory stage, both the learned counsel agreed that the writ petition itself could be disposed of finally; as such, the writ petition is being disposed of.

This writ petition is filed challenging the Proceedings of the 2nd respondent dated 11-8-2003 whereunder certain amounts are sought to be recovered from the petitioners on the ground that they were erroneously paid to them.

The main grievance of the petitioners is that before passing the impugned order, no notice or opportunity was given to them. The respondents have not denied the same in their counter affidavit.

Heard both sides and perused the entire record.

Admittedly, without issuing any notice or calling for explanation, the impugned order dated 11-8-2003 was passed by the 2nd respondent. In the circumstances, the Writ Petition is allowed and the impugned order is set aside. However, this will not preclude the authorities from recovering the excess amount, if any, paid erroneously to the petitioners after putting them on notice and calling for explanation from them. No costs.

30-11-2004

prk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Tuesday, the Thirtieth day of November Two thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

To

1 The Regional Manager, A.P.S.R.T.C.,
Nalgonda Region, Nalgonda,
Nalgonda District.
2 The Depot Manager, APSRTC,
Nalgonda Bus Depot, Nalgonda, Nalgonda Dist.

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